

STATE COUNCIL FOR PERSONS WITH DISABILITIES

EXECUTIVE COMMITTEE MEETING

November 19, 2018 – 12:00 pm

House of Representative Hearing Dover, Legislative Hall, Dover

Present: Nick Fina, Chair; Todd Webb, Vice-Chair; Linda Heller, HLADE/Advocate; Lloyd Schmitz, Council of the Blind/EFOC; John McNeal, Staff; Amber Rivard, Support Staff; and Jo Singles, Support Staff.

Guests: Jim Miller, SCPD  
Victoria Counihan, DOJ/DAG

CALL TO ORDER

Nick called the meeting to order at 12:24 pm. Lloyd made a motion to approve the September 17<sup>th</sup> minutes as written. This was seconded by Linda. Motion was carried.

CALL FOR ADDITIONS OR DELETIONS TO AGENDA

None

BUSINESS

**SCPD Road Show**

Jim spoke about his proposal about a SCPD Road Show. His purpose is two-fold:

- Get the word out about SCPD
- Increase persons with disabilities membership on SCPD

He proposed that the Executive Committee or an adhoc committee develop the official message to keep everyone on track with the presentations to be given.

Jim recommends a scripted message by a member of the Executive Committee followed by an SCPD member giving an unscripted message, including telling their own story about why they are a member of SCPD , followed by a question and answer period. The whole presentation would take about 45 minutes.

He suggested that several people go out in each county. Suggested groups:

- Lions Club

- Rotary Club
- Benevolent & Protective Order of Elks
- Association of the Blind
- Chamber of Commerce
- Local businesses
- Libraries (for the general public)
- Colleges
- Universities

Lloyd commented that 45 minutes was too long and many organizations would allow for 20 minutes. Linda thanked Jim for his proposal and that increasing awareness would be a positive step. She agreed that 45 minutes was too long and suggested 15-20 minutes followed by a question and answer period. She endorsed the concept. Todd commented that the Lions Club have asked him to do a presentation regarding his role at DelDOT and the SCPD. He added that there is a lot of value in reaching out to these groups. Nick suggested that the scripted message be less dry and friendlier. He suggested that Jim form an adhoc committee for outreach after the Executive Committee has formed an official message. John stated that thirty-three percent (33%) of the SCPD Membership should be persons with disabilities or family members of persons with disabilities. Handouts would be made available during the presentations. Lloyd stated that it was important to that the message to the community include information on the different committees, including clearinghouse data information. John commented that information needs to be given to health care professionals so that they can distributed information to people with disabilities being discharged. Linda Heller recommended that Linda Brittingham (Director of Social Services/Christiana Care) be contacted directly; they have a weekly meeting of all social service workers. Jim will chair an outreach committee. Jim stated that a person is needed from New Castle County and Kent County and if anyone was interested to contact him by email. This will also be brought up at the Full Council meeting. The purpose of the committee is to increase general awareness of SCPD and identify potential people who might be a good fit for the Council. Lloyd commented that sub-committees should be included and Nick agreed. Jim made a motion to develop a three-person (one for each County) committee to do outreach. Lloyd seconded the motion and the motion was approved.

### **Draft Policy Paper - Assessment of SCPD Compliance with Title 29, Chapter 100 Freedom of Information Act (FOIA)**

Nick reviewed a draft document he has developed re: Assessment of SCPD Compliance with Title 29, chapter 100 FOIA (handout). He reviewed the Issues, Analysis and Proposals. He stated that he has forwarded this document to SCPD Administrative Staff, Victoria Counihan, DSHS Secretary Robert Coupe and Wendy Hudson (DSHS Chief of Community Relations. He also invited Wendy Hudson to attend today's meeting. Victoria noted that Wendy's role is to handle information requests and not give advice on FOIA. She clarified that this is her role. Nick stated that his goal is to provide as much transparency as possible. He proposed a summary of changes that the Council may wish to consider. The main issues are:

Issue 1: Scheduling of Meetings

Issue 2: Recording Meeting Attendance, Assessing Quorums and Recording Votes

Issue 3: Making Information Available  
Issue 4: Remote Meeting Participation

Victoria commented that if any actions are taken that do not comply with FOIA law, those actions will be deemed voidable. Todd asked about an accommodation request and it cannot be filled in public. Victoria commented that we will deal with that when it happens. Lloyd made a suggestion that the subcommittees meet after the SCPD meeting since they are held in a public venue. It was noted that all subcommittee members do not attend SCPD meetings and some members are on more than one committee.

Nick stated that the essence is that the meetings are put on the State Public Calendar, the groups decide when they can meet, including virtually, and this is disclosed on the State Public Calendar so that the information about the meeting is made public. Persons can then make their intentions known. Victoria commented that this is advertising the FOIA violation on the State Public Calendar. Nick commented that the State Public Calendar has a category for virtual meetings which may mean video-conferencing. Victoria stated that this cannot be done based on the FOIA law. John added that this would be before legislation is passed changing the FOIA law. He commented that we tried to get legislation supported last year that anyone could call into the meetings and it went nowhere. The third plan was to develop legislation that are specific to Councils that deal directly with the disability community which would create hardships for some people to attend meetings in person. He spoke about another way where any meeting where someone with a disability wants to attend a meeting and request a reasonable accommodation. He added that U.S. Department of Justice has said that teleconferencing can be a reasonable accommodation. He likes the third plan as a place to start. John added that changing FOIA is on the priority list of the Legislative Planning Committee. John clarified that the U.S. Department of Justice provides guidance. He commented that two things need to occur. One is that the State proposes its own law and makes a decision and someone challenges it in Federal Court and the Court makes a decision. The other way is that someone files a lawsuit and a judge makes a decision. He noted that no one has done this even though they have a right under Title II. He added that the State should have a Grievance Policy.

Nick stated that regarding Issue #1 – All meeting will be placed on the State Public Calendar. Victoria stated that the Full Council should vote on this. Nick explained that this is not on the agenda until January and is for discussion only today. His approach is as an individual with a disability, not as Chair of the Council. He plans to meet with Representative Heffernan on his proposed legislation (Appendix A of handout). He will be giving her a demonstration of Webex (web conferencing). He stated that he cannot serve as Chair because teleconferencing does not meet his needs. John stated that DSHS completely understands that. He added that people have commented how helpful the closed captioning is and many people do not recognize how hearing impaired they are. John added that it has greatly help him with focus. Nick stated that he is not speaking about captioning, but is speaking about Webex or similar technology. This will allow for video-conferencing without having to schedule two conference rooms and without having to inconvenience people to leave their homes if not able to attend in person. Linda commented that this common practice on a federal government level for deaf and hard of hearing as an accommodation.

Nick gave several examples of how this could work. He added that this technology has been around since the late 1980's. This technology allows people to participate through the internet with their faces and voices being heard around the room. We would need a voice sensitive camera for those calling in to see the person making comments. This camera costs about \$800 and rotates to the person speaking. Nick said if he cannot get this legislation passed, he will resign as Chair, but remain on the Council. John noted that some people cannot afford a computer in their home and that there will always be someone next in line. Nick commented that who determines who can get remote access and who is not. John stated that a reasonable accommodation can be requested under Title II. Nick sees this as an option for everyone.

Nick stated that Dr. Mia Papas will be rescheduled for January.

Linda made a motion to adjourn the meeting and Lloyd seconded the motion. The meeting adjourned at 1:20 pm. .

Respectfully submitted,

Jo Singles

executive committee/2018 min-11-19-18